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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,984	09/09/2003	Ronnie K. Watson	30311.new-001	1300

7590 12/20/2004

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EXAMINER

BARFIELD, ANTHONY DERRELL

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,984

Applicant(s)

WATSON ET AL.

Examiner

Anthony D Barfield

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My

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-45 and 48-59 is/are rejected.
- 7) ☒ Claim(s) 46-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 40-45, 48-50, 53-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Roslund Jr. et al. Roslund Jr. et al., shows the use of a chair comprising: a pedestal (18) a seat (15) and a back (20) mounted atop the pedestal and an armrest assembly (12) mounted atop the pedestal adjacent the seat. The armrest assembly including a tube (94) movably secured to an upright (53) and an armpad (163) secured to the tube. A ratchet (mechanism) assembly for adjusting a height of the tube with respect to the upright, includes a plunger (150, 156) reciprocally carried by the tube and a plurality of notches (60) defined by the upright, and the ratchet assembly further includes a biasing means (161) for biasing the plunger into engagement with the notches. The ratchet assembly includes a reset means (151, 52a, 91a) for retaining the

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plunger in a retracted (disengaged position) with one of the notches. The reset means includes a catch (151), a first surface (52a) to reset the plunger at its upper extreme and a second surface (91a) to reset the plunger at the lower extreme of the armrest assembly. Roslund Jr. et al. further shows the use of a pivot mechanism (32-,33-1,35,79,82) providing adjustment of an angle of the armpad by rotation of the tube.

3. Claims 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee. Lee discloses a chair comprising a seat (col. 2 line 24) and an armrest assembly (10,20) mounted adjacent the seat. The armrest assembly including a tube (20) movably secured to an upright (30). A ratchet (mechanism) assembly for adjusting a height of the tube with respect to the upright, includes a plunger (24) reciprocally carried by the tube and a plurality of notches (31) defined by the upright, and the ratchet assembly further includes a biasing means (161) for biasing the plunger into engagement with the notches. Lee further shows the use of a pivot pin (25) that moves in an arcuate slot (321) to limit the rotation of the tube and upright relative one another.

Allowable Subject Matter

4. Claims 46-47 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

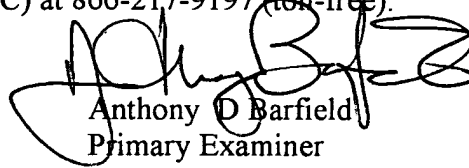
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference Nos. 6,076,892, 6,296,312, and 6,394,553 show other armrest assemblies.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony D Barfield
Primary Examiner
Art Unit 3636

adb

December 12, 2004